

I want to note, however, my objection to a provision in this legislation that appears to expand preemption of State law remedies for FEHBP enrollees who are injured as a result of wrongful benefit delay or denial by their plan. As I have consistently stated, I believe that a right without remedy is not a right at all. I strongly believe that Federal employees should have the right to legally enforceable remedies, including under State law, to protect them when health plans do not provide contractually obligated patient protections. I therefore want to clarify that my enactment of this legislation should in no way be construed to indicate my support for this preemption provision. I also would like to reiterate my disappointment that

the Congress has adjourned without passing a Patients' Bill of Rights that would give new protections and remedies to all Americans, including Federal employees. Assuring that health plans provide needed patient protections and adequate remedies will be one of my top priorities for the next Congress.

WILLIAM J. CLINTON

The White House,
October 23, 1998.

NOTE: H.R. 1836, approved October 19, was assigned Public Law No. 105-266. An original was not available for verification of the content of this statement.

Statement on Signing the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 *October 23, 1998*

I have signed into law H.R. 4328, the "Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999."

This bill represents a significant step forward for America. It protects the surplus until we have saved Social Security for the 21st century, contains an agreement to fund the International Monetary Fund, and puts in place critical investments in education and training, from smaller class sizes to after-school care, and from summer jobs to college mentoring. I am pleased that this bill honors my commitment to maintain fiscal discipline by providing additional resources for essential new investments, which are fully financed within the limits of the Bipartisan Budget Agreement.

Specifically, the legislation provides needed funds for education and training, including a down payment on my plan to reduce class size in the early grades by hiring 100,000 new teachers. It provides added resources to protect the environment, to move people from welfare to work, to strengthen law enforcement, to enforce civil rights, and to further efforts that advance health, research, and development. And with this legislation, funds can be made available to farmers suffering through the worst farm emergency in a decade.

First, this legislation provides an additional \$4.4 billion for education and training, furthering the goal of life-long education to help Americans acquire the skills they need to succeed in the new global economy. In addition to funding my class size initiative, this bill will help advance child literacy by meeting my full request for the America Reads program, and by increasing funding for Head Start. It also supports an important part of my child-care initiative: the focus on improving the quality of child-care programs and the funding provided for after-school programs should help approximately 1,600 21st Century Community Learning Centers, serving nearly a quarter of a million children, to provide extended learning activities and related services in safe and constructive environments with adult supervision.

I am pleased that included in this legislation are three other high-priority education initiatives—GEAR UP, Teacher Quality Enhancement Grants, and Learning Anytime, Anywhere Partnerships—that were recently authorized in the Higher Education Act. Charter School funding will provide start-up resources to about 1,400 schools, serving approximately 400,000 students; my Youth Opportunity Areas initiative will provide intensive training and related services to help 50,000 disadvantaged youth in very

high poverty areas get good jobs; and more than a half-million young people will be able to participate in the Summer Jobs program.

College students will benefit from funding in this legislation, which provides the largest Pell Grant maximum award in history and expands the Work-Study program to help nearly one million students work their way through college. I am also very pleased that the Congress provided virtually all my requested increases for the Hispanic Education Action Plan funded in this bill.

My commitment to a clean and healthy environment is advanced significantly in this legislation. Additional resources will be used to combat water pollution through the Clean Water Action Plan, fight global warming, protect national parks and other precious lands, preserve wildlife, and develop clean energy technologies. There are also funds to support the Save America's Treasures Millennium Initiative, and for the purchase of sensitive and historic lands.

At the same time, we have been able to prevent the inclusion of harmful riders specific to the environment, including ones that would have delayed salmon restoration in the Northwest, built a road through designated wilderness areas in the Izembek National Wildlife Refuge, and forced overcutting of timber in national forests.

I am pleased that we are able to reach agreement with the bipartisan leadership to fulfill our commitment to fund and pay arrears to the Global Environmental Facility (GEF), established in 1991. This funding will help GEF in its fight against global warming, promotion of biodiversity, and reduction of energy consumption world-wide.

By providing \$17.9 billion in funding for the International Monetary Fund, this legislation makes a significant contribution to protecting our domestic economy from global turmoil. In addition, I am pleased that the Congress has provided additional funding for key international programs. Some examples are assistance to the Newly Independent States (NIS), support for nonproliferation activities, such as the Korean Energy Development Organization and the Comprehensive Test Ban Treaty preparatory commission; and payments of assessed contributions to international organizations. However, I am deeply troubled that the United States remains unable to pay its arrears to the United Nations and other international organizations. Funding to meet our international commitments

should not be linked to unrelated family planning issues.

I am pleased that this legislation contains my proposal to streamline the executive branch's policy-making process in foreign affairs by putting matters of international arms control, sustainable development, and public diplomacy where they belong—at the heart of our foreign policy within a reinvented Department of State. Under the reorganization plan, first the Arms Control and Disarmament Agency, then the United States Information Agency will be integrated with the Department of State. The Agency for International Development will remain a distinct agency, but will share certain administrative functions with the Department of State and will report to and be under the direct authority and foreign policy guidance of the Secretary of State. I am also pleased that the bill includes the implementing legislation for the Chemical Weapons Convention, which the Senate approved in May 1997. It was critical to have legislation in this area before the Congress adjourned.

I appreciate the Congress approving the Administration's initiative to provide additional funding for military readiness and for ongoing operations in Bosnia. These funds will ensure that the U.S. military can sustain its high levels of preparedness and advance our efforts in Bosnia to implement the Dayton Accords.

For law enforcement, the bill provides \$1.4 billion to ensure that my program to put 100,000 more police on the streets of America's communities by the year 2000 proceeds on schedule—17,000 additional officers will be funded. The bill also includes funding to support my Administration's efforts to both secure our borders and to provide immigration benefits to those seeking citizenship. Funding for 1,000 Border Patrol agents, border technology, and detention support has been provided to deter drug trafficking and illegal entry at the border. The funding level also provides an additional \$171 million to address a backlog in citizenship applications, fix the naturalization program, and ensure that the benefit of citizenship is not delayed unnecessarily for those who have earned it. It funds the Indian Country law enforcement initiative that will increase the number of law enforcement officers on Indian lands, expand detention facilities, enhance juvenile crime prevention, and improve the effectiveness of tribal courts.

I am pleased that increased funding for the Legal Services Corporation (LSC) will enable the LSC to provide additional services to people with financial need. While it is regrettable that my full request for the LSC was not met this year, I intend to continue to press for additional funding to allow the expansion of services in the future.

Civil rights protection is enhanced on numerous fronts. There is an increase of funding to the Equal Employment Opportunity Commission to significantly expand the Commission's alternative dispute resolution program and reduce the backlog of discrimination complaints. There are also increases in funding to the Department of Education's Office of Civil Rights, the Department of Labor's Office of Federal Contract Compliance, and the Department of Justice's Office of Civil Rights and its Community Relations Service, which mediates and resolves racial and ethnic conflicts in communities.

This bill will also address the long-standing discrimination claims of many minority farmers by adopting my request to waive the statute of limitations on USDA discrimination complaints that date back to the early 1980s. This will finally provide these farmers the fair and expedited hearing—and where past discrimination is found, the fair compensation—they have long deserved.

In addition, funding for HUD's Fair Housing programs will increase significantly, and will provide resources for a new audit-based enforcement initiative.

I am pleased that this legislation contains a program of targeted grants to Empowerment Zones, providing communities with flexible funds to carry out local development strategies and to bring jobs and investment to disadvantaged areas. I look forward to working with the Congress next year to expand this program.

The District of Columbia receives a total of \$620 million of Federal support, including \$125 million of special one-time payments requested by my Administration for economic development, special education, and help for the District in addressing the Year 2000 computer problem. Funds for the District of Columbia will permit further implementation of my plan for revitalizing the Nation's Capital, and will be used to spur growth and for the public charter school program, among other programs.

While I am pleased that we were able to secure significant funding increases of AIDS

services and prevention generally, I am nonetheless disappointed that the Congress has chosen to deny the people of the District of Columbia the right to save lives with a proven HIV prevention program of needle exchange. The Congress' action will deny Federal funding to any private agency in the District of Columbia that uses its own funds in this way, putting countless women and children at risk for AIDS and undermining the principle of home rule in the District.

There are significant advancements to improve the health of Americans by advancing research and by improving the safety of our food supply. The Food Safety Initiative will expand education, surveillance, import inspections, research, and risk assessment activities. The Congress also made a critical down payment on my proposed 21st Century Research Fund for America by adding \$2 billion for biomedical research at the National Institutes of Health (NIH). This will enable NIH to pursue new methods of diagnosing, treating, preventing, and curing diseases such as cancer, diabetes, Alzheimer's, and HIV/AIDS. There are new increases in funding for disease prevention research at the Centers for Disease Control and for health outcomes research at the Agency for Health Care Policy Research. I am also pleased that this legislation provides \$1.4 billion for Ryan White Care Act activities, including the AIDS Drug Assistance Program, which provides funds to States to help uninsured and underinsured people with HIV purchase life-saving pharmaceutical therapies. Finally, there is a new, critical \$130 million investment to address the problem of HIV/AIDS in the minority community.

I am pleased that for the first time, this Act will require health plans that participate in the Federal Employees Health Benefits Program and provide prescription drug coverage to include contraceptives as part of that coverage. The section exempts from this requirement five specifically named religious plans and any other existing or future plan that objects to the requirement on the basis of religious beliefs.

I am also pleased that the Congress has agreed to fund several urgent needs on an emergency basis. The nearly \$6 billion of funding in this bill for farm emergencies reflects my commitment to meet the needs of our Nation's farmers who are suffering through the worst agricultural crisis in more than a decade. The bill

addresses my concerns over emergency farm assistance funding that prompted my veto of the Agricultural Appropriations bill earlier this month.

The Act also includes needed emergency funding to help parts of our country recover from recent natural disasters, including Hurricane Georges; address unanticipated requirements associated with year 2000 computer conversion activities; strengthen our diplomatic security, anti-terrorism, and counterterrorism efforts; support our troops in Bosnia; and enhance military readiness. While the Act provides many investments to help prepare America for the next century, there is still much work to do for the future.

Now that we have embarked on a path to adding 100,000 teachers to our school systems, we must make sure that they will be able to teach in new and modern schoolrooms. I will continue to fight for my school modernization program which, with fully paid for tax credits, would leverage nearly \$22 billion in bonds to build and renovate schools.

While this bill provided important new funding to improve the quality of child care, more needs to be done. I will continue to push for additional critical investments, including subsidies and tax credits to make child care safer and more affordable for America's working families.

I believe strongly that a voluntary national test for our children's achievement is essential so that parents can know how well their children and their schools are performing on a basis that fairly compares them to others. This bill, unfortunately, includes language prohibiting any pilot testing or administration of voluntary national tests. We will continue work on test development, and we will continue to work with the Congress to eliminate this bar to national testing so that we can advance the hopes of all parents for their children's education.

I will continue to make it a top priority to urge the Congress to pass a strong, enforceable Patients' Bill of Rights that would assure Americans the quality health care they need. In a rapidly changing health care system, Americans need and deserve essential patient protections, such as access to specialists, an independent appeals process, and remedies to make these rights real. I also will urge the Congress to pass the bipartisan Work Incentives Improvement Act, which provides workers with disabilities the op-

tion to buy into Medicare and Medicaid, as well as other pro-work incentives. Finally, the Congress must pass needed tobacco legislation to reduce teen smoking.

The Act also contains provisions relating to preparations for the year 2000 Census. An accurate census is essential to our democracy and to basic fairness, and the Census Bureau is doing all it can to count each and every American in the 2000 Census. To count everyone, including nonrespondents, the Census Bureau must use proven scientific statistical techniques. Despite overwhelming support from impartial statistical experts for using such modern scientific methods, some in the Congress have opposed them. These opponents have proposed instead an approach that, even at vastly greater cost, will exclude millions of people—especially children and minorities. I am pleased that this Act contains sufficient funds to allow the Census Bureau to continue preparations for a decennial census using the most accurate methods.

This Act funds the Departments of Commerce, Justice, and State through June 15, 1999. By that time, we should have the benefit of the Supreme Court's decision whether we can use up-to-date scientific methods in the census for purposes of apportioning Congressional seats among the States. We are confident that the Court will not consign us to 18th century methods to deal with 21st century problems. It is imperative that the Congress, before June 15, 1999, fund these departments for the entire fiscal year without excluding millions of Americans from the census. I am committed to ensuring that the year 2000 is the most accurate census possible.

I am also disappointed that the Congress provided less funding than I requested for the Federal Aviation Administration to operate the Nation's air traffic control system. While safety of the flying public will not be compromised, these reductions will result in an enormous challenge to provide critical aviation services and keep pace with a growing aviation industry.

Unfortunately, the Act also includes language that would cap the award of plaintiffs' attorneys' fees in special education cases to a maximum of \$50 per hour and \$1,300 per case. While this language is less objectionable than the original proposal that sought to ban compensation for plaintiffs attorneys' fees for special education administrative proceedings, I still find this provision unacceptable. It will undoubtedly restrict

poor families in the District of Columbia from having adequate access to the due process protections provided by the Individuals with Disabilities Education Act (IDEA). I pledge that next year I will work to eliminate this cap and ensure that the rights of disabled children and their families are protected.

It is unfortunate the bill does not lift the cap on transfers to Puerto Rico and the Virgin Islands of the excise tax on rum as I had proposed and many in the Congress supported. This measure was consistent with the basic laws regarding those jurisdictions and the Caribbean Basin Initiative. The objection that thwarted it will deny urgently needed fiscal assistance to the 4 million U.S. citizens who live on these islands.

I am disappointed that the Congress failed to enact either of my proposed trade initiatives, the African Growth and Opportunity Act or the Caribbean Basin Initiative. My plans to expand our trade relations with nations in Africa and the Caribbean would benefit the United States and the economies of these developing countries. I firmly believe that the free flow of goods and services is an essential part of our Nation's successful economic strategy and I will continue to pursue these initiatives so that economies in Africa and the Caribbean, as well as our own, can benefit from an expansion in free trade.

I am also disappointed that the Act includes a provision that could undermine the ability of Federal law enforcement to conduct large, multi-state investigations, such as those related to terrorist attacks, drug cartels, and interstate child exploitation. This provision was opposed by the law enforcement community, national victims groups, and many in the House and Senate. The effective date of the provision is 6 months from now. My Administration will work with the Congress over the next few months on potential legislative remedies to ensure that we can continue to enforce Federal laws and protect the public.

There are a number of provisions in the Act that may raise Constitutional issues. These provisions will be treated in a manner that is consistent with the Constitution.

I am concerned about section 117 of the Treasury/General Government appropriations section of the Act, which amends the Foreign Sovereign Immunities Act. If this section were to result in attachment and execution against foreign embassy properties, it would encroach

on my authority under the Constitution to "receive Ambassadors and other public Ministers." Moreover, if applied to foreign diplomatic or consular property, section 117 would place the United States in breach of its international treaty obligations. It would put at risk the protection we enjoy at every embassy and consulate throughout the world by eroding the principle that diplomatic property must be protected regardless of bilateral relations. Absent my authority to waive section 117's attachment provision, it would also effectively eliminate use of blocked assets of terrorist states in the national security interests of the United States, including denying an important source of leverage. In addition, section 117 could seriously affect our ability to enter into global claims settlements that are fair to all U.S. claimants, and could result in U.S. taxpayer liability in the event of a contrary claims tribunal judgment. To the extent possible, I shall construe section 117 in a manner consistent with my constitutional authority and with U.S. international legal obligations, and for the above reasons, I have exercised the waiver authority in the national security interest of the United States.

Section 609 of the Commerce/Justice/State appropriations provision of the Act prohibits the use of funds to maintain diplomatic relations with Vietnam unless the President provides the Congress with a detailed certification that Vietnam has satisfied specific conditions. This provision unconstitutionally constrains the President's authority with respect to the conduct of diplomacy, and I will apply this provision consistent with my constitutional responsibilities.

Section 610 of the Commerce/Justice/State appropriations provision prohibits the use of appropriated funds for the participation of U.S. armed forces in a U.N. peacekeeping mission under foreign command unless the President's military advisers have recommended such involvement and the President has submitted such recommendations to the Congress. The "Contributions for International Peacekeeping Activities" provision requires a report to the Congress prior to voting for a U.N. peacekeeping mission. These provisions unconstitutionally constrain my diplomatic authority and my authority as Commander in Chief, and I will apply them consistent with my constitutional responsibilities.

Section 514 of the Foreign Operations/Export Financing appropriations section purports specifically to direct the Executive on how to proceed in negotiations with international organizations. These provisions could interfere with my constitutional authority in the area of foreign affairs. I shall treat all such provisions as advisory.

Section 625 of the Treasury/General Government appropriations section prohibits the use of appropriations to pay the salary of any employee who interferes with certain communications between Federal employees and Members of Congress. I do not interpret this provision to detract from my constitutional authority and that of my appointed heads of departments to supervise and control the operations and communications of the executive branch, including the control of privileged and national security information.

Section 722 of the Agriculture/Rural Development appropriations section specifies that funds may not be used to provide to any non-Department of Agriculture employee questions or responses to questions resulting from the appropriations hearing process. To the extent that this provision would interfere with my duty to “take Care that the Laws be faithfully executed,” or impede my ability to act as the chief executive, it would violate the Constitution, and I will treat it as advisory.

Section 754 of the Agriculture/Rural Development appropriations section constrains my ability to make a particular type of budget recommendation to the Congress. This provision would interfere with my constitutional duty under the Recommendation Clause, and I will treat it as advisory.

Finally, several provisions in the Act purport to condition my authority or that of certain officers to use funds appropriated by the Act on the approval of congressional committees. My

Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

The Omnibus Appropriations bill contains several emergency provisions that are contingent on a Presidential emergency designation.

I hereby designate the following amounts as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

- Department of Defense: Military Construction, Army: \$118,000,000;
- Department of Defense: Operation and Maintenance, Army: \$104,602,000;
- Department of Defense: Operation and Maintenance, Air Force: \$1,700,000;
- Legislative Branch: Architect of the Capitol, Capitol Visitor Center: \$100,000,000;
- Legislative Branch: Capitol Police Board, Security Enhancements: \$106,782,000;
- Legislative Branch: Senate, Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate: \$5,500,000;
- Legislative Branch: House of Representatives, Salaries and Expenses, Salaries, officers and employees: \$6,373,000;
- Legislative Branch: General Accounting Office, Information Technology Systems and Related Expenses: \$5,000,000;
- The Judiciary: Judicial Information Technology Fund: \$13,044,000.

My Administration is undertaking a review of these issues and will make additional emergency designations in a timely manner.

WILLIAM J. CLINTON

The White House,
October 23, 1998.

NOTE: H.R. 4328, approved October 21, was assigned Public Law No. 105–277.

Statement on Emergency Assistance to Farmers and Ranchers

October 23, 1998

As provided for in the Omnibus bill I signed 2 days ago, I am pleased today to designate an additional \$4.2 billion in emergency assistance to our nation’s farmers and ranchers, to

help them recover from the worst agricultural crisis in a decade. Coupled with the more than \$1.6 billion in agricultural emergency funds released when I signed H.R. 4328, the Omnibus